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10/729,252

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Diane C. Thornton

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EXAMINER

FLEISCHER, MARK A

ART UNIT

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3623

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/729,252	Applicant(s) THORNTON ET AL.	
	Examiner MARK A. FLEISCHER	Art Unit 3623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 December 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-21 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 05 December 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>23 April 2004 and 20 December 2007</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Status of Claims

1. This action is in reply to the Application filed on 5 December 2003.
2. Claims 1–21 are currently pending and have been examined.

Information Disclosure Statement

3. The Information Disclosure Statements filed on 23 April 2004 and 20 December 2007 have been considered. Initialed copies of the Form 1449 are enclosed herewith.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1–21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Al-Musallam (*A Web-Based Approach For Coordinating Architectural Drawings With Other Construction Documents*).

Claims 1, 8 and 15:

Al-Musallam describes and/or discloses a system and method for managing workflows and project related documents involving the management of architectural and construction project drawings and further describes and/or discloses the following limitations, as shown.

- *receiving logic operable* (On page 18: "At any time – by network or by modem - team members can send changes to the master project and receive changes that others have

- made []" (emphasis added)) *to receive a request from a user* (On page 29 "requests for information, change orders...") ..., *the request including information about a location* (on page 57 "Several project teams can use ProjectCenter as the central repository for a wide variety of graphic media, including design drawings, site photographs, CAD files, even scans of hand-drawn sketches." and on page 14 specifically refers to indication of "location" among other related data.) ...
- *a database coupled to the receiving logic, operable to store the request with any previously received open requests* (On page 59: "ProjectPoint's significant features of construction communications include support for transmittals, RFIs, submittal tracking, along with change and revision management. ProjectPoint can also encompass tracking of a file or document after it has left ProjectPoint to go to someone else for approval or RFI. It will support RFI and RFI logs, change reports, and meeting reports." (emphasis added) where the emphasized texts corresponds to information stored in a database, hence *coupled.*);
 - *assignment logic coupled to the database, operable to assign an open request to a draftsman and to instruct the database to record the assignment* (On page 80: "...and even assigning them..." On page 71: "begins processing the request..." On page 22: "drafters...use AutoCAD to create...manage...". On page 56: "strong underlying database, which can be powered by Structured Query Language (SQL) Sewer, Sybase, or Oracle. This database controls all the data, including reference files and redlined drawings []" (emphasis added));
and
 - *completion logic coupled to the database, operable to instruct the database to close an open request responsive to an input from the draftsman* (On page 81: "to initiate the system..." hence corresponds to *open request*. On page 104: "Only the authorized persons (by the system administrator) can have the ability to access and modify the original documents. The system also highlights any modifications that had been done to a published document, and after been approved, sends notification to all concerned members. For example, the architectural drawing should be viewed as it had been approved by the architect along with

any later changes; such as shop drawings that can be attached to the related components with a link from the original drawings. At the same time these drawings should also have a sign indicating that this component or this part of the drawing has received some modification.” (emphasis added) where the emphasized texts indicates a database that stores information relating to drawings and their status, hence corresponds to *completion logic coupled...* Note that ‘been approved, sends...’ and ‘...have a sign indicating...’ correspond to *close an open request responsive to...* Also, on p.111: “When the current function finishes, the Show and Hide functions are used to control the dialog box.” hence is indicative of *completion logic coupled...* On page 22: “drafters...use AutoCAD to create...manage...” and corresponds to *input from the draftsman...*).

Al-Musallam teaches a workflow management system for managing a plurality of well known construction related information (see e.g., page 1) however it is noted that Al-Musallam is thus not limited to solely managing the workflow of telecommunication infrastructure, specifically the management and assignment of plat related revisions (e.g. splitting) as claimed. Examiner takes Official Notice that it is old and well-known as well as common place to utilize workflow systems/methods to manage the assignment of requests (e.g. drawing change request, tasks) to draftsman (staff, engineers, workers, etc.) and further the assignment of plat related edits, including but not limited to the splitting of congested plats, to draftsman is a well known business practice in the telecommunications industry. Moreover, that it is old and well known is evidenced by at least Applicant's own description of the related art as shown below.

- *to split a plat* (On page 2, line 22 states: “The RMC group is typically where the engineering work order is pre-posted. Pre-posting typically includes altering the existing drawing records.” (emphasis added)) and *congested plat* (On page 2, line 14 states: “Moreover, these common carriers must maintain capacity and plan for this ever-increasing demand, and supply leased-line bandwidth to competitors. Thus, the telecommunications network is ever evolving to meet the needs and demands of consumers. Carriers have developed various procedures over

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the years to respond to their customers.” (emphasis added) where the emphasized text and its context describe a ‘congested’ telecommunications infrastructure.)

Finally, application of the workflow and document management systems to manage task assignments and related documents, as described above, for the specific purpose of facilitating the splitting of plats is merely an intended use of systems and methods that are old and well-known, hence are not given patentable weight. See MPEP §2106. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the workflow and document management capabilities pertaining to construction projects and use of architectural drawings described in Al-Musallam for “improving the coordination and the quality of [] documents...” (Al-Musallam p.3) with the well-known and established needs in the telecommunications industry to effectively manage projects geared toward increasing communications capacity. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

Claims 2, 9 and 16:

Al-Musallam describes and/or discloses the following limitations, as shown.

- *observation logic coupled to the database, operable to enable any of a plurality of users to view open requests* (On page 4: “This technology makes the entire project accessible to all the interested parties because the work can be viewed by anyone who has access to the web browser.” (emphasis added) and on page 62: “It is a document management system that allows companies to track, manage, control access and secure all project documents, regardless of location, thereby keeping internal and external communications more accurate.” (emphasis added) where ‘track’ *ipso facto* indicates some sort of status information, hence *open requests*. On page 23: “drawing’s elements to information databases...”).

Claims 3, 10 and 17:

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AI-Musallam does not specifically describe and/or disclose the following limitations, *the observation logic is further operable to view open requests by a state in which the plat is located...* but Examiner takes **Official Notice** that it is old and well-known as well as common place in the information storage and database management arts to employ the use of data filters, as evidenced in AI-Musallam page 108: "Two arrays to hold the filter information...", so that only specified data or documents are retrieved from a database. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the workflow and document management and data storage capabilities pertaining to construction projects and geographic sites of AI-Musallam and the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity with old and well-known as well as common place information storage and database management processing capabilities so that only desired or pertinent information is retrieved from a database. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

Claims 4, 11 and 18:

AI-Musallam describes and/or discloses the following limitations, *the observation logic is further operable to enable any of a plurality of users to view a plurality of requests* (On page 18: "Team members can ... view what other team members are doing.") *that have been assigned to a draftsman...* (On page 22: "Architects, engineers, drafters, and design related professionals use AutoCAD to create, view, manage, plot, share, and reuse accurate, information-rich drawings []"). AI-Musallam does not specifically teach requests *that have been assigned to a draftsman*, but Examiner takes **Official Notice** that it is old and well-known as well as common place to utilize workflow systems/methods to manage the assignment of requests (e.g. drawing change request, tasks) to draftsman (staff, engineers, workers, etc.) and further, to employ database management

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processing capabilities so that only desired or pertinent information is retrieved from a database and the use of data filters so that only specified data or documents are retrieved from a database.

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the workflow and document management and database management and storage capabilities pertaining to construction projects and sites of Al-Musallam and the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity with old and well-known as well as common place information storage and processing capabilities so that only desired or pertinent information is retrieved from a database. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

Claims 5, 12 and 19:

Al-Musallam describes and/or discloses on page 61 that a “member can [...] [s]tore and manage all of the documents associated with a project.”. Although Al-Musallam does not specifically describe and/or disclose the following limitations, *the location includes a wirecenter and a plat name...* Examiner takes **Official Notice** that it is old and well-known as well as common place that a *wirecenter and a plat name* are well-known attributes of plats, and thus it would have been obvious to one of ordinary skill in the art at the time the invention was made to utilize the workflow and document management and data storage capabilities pertaining to construction projects and sites of Al-Musallam for the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity and well-known and commonplace information storage and database management processing capabilities where only desired or pertinent information is retrieved from a database. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

Claims 6, 13 and 20:

AI-Musallam describes and/or discloses the following limitations as shown.

- *the database is further operable to store an assignment date and the draftsman assigned to the request* (On Page 56: "ProjectWise is notable for its strong underlying database, which can be powered by Structured Query Language (SQL) Server, Sybase, or Oracle. This database controls all the data, including reference files and redlined drawings [...]" (emphasis added)).

AI-Musallam does not specifically describe and/or disclose *assignment date or the draftsman assigned...*, but Examiner takes **Official Notice** that it is old and well-known as well as common place in the information storage and workflow processing arts to store, in a database, information pertaining to task assignments, due dates, and dates on which assignments are made. See e.g., Business Process Management 2002). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to include the workflow and document management and data storage capabilities pertaining to construction projects and sites of AI-Musallam and the well-known and pre-existing needs of telecommunications companies for managing the increase of communications capacity with old and well-known as well as common place information storage and processing capabilities. The claimed invention is merely a combination of old and well-known elements, or application of old and well-known techniques to analogous problems for which the techniques had previously been applied and one of ordinary skill in the art would have recognized that the results of the combination and/or application were predictable.

Claims 7, 14 and 21:

AI-Musallam describes and/or discloses the following limitations as shown.

- *the receiving logic is further operable to receive a priority status associated with the request and instruct the database to store the priority status associated with the request* (On page 17: "ArchiCAD allows the project team leader to establish a priority and password system so that

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the whole project can be viewed, but only the authorized floors, defined areas, layers or authorized information can be changed.” (emphasis added)).

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Conclusion

Any inquiry of a general nature or relating to the status of this application or concerning this communication or earlier communications from the Examiner should be directed to **Dr. Mark A. Fleischer** whose telephone number is **571.270.3925**. The Examiner can normally be reached on Monday-Friday, 9:30am-5:00pm. If attempts to reach the examiner by telephone are unsuccessful, the Examiner's supervisor, **Beth Van Doren** whose telephone number is **571.272.6737** may be contacted.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://portal.uspto.gov/external/portal/pair> <<http://pair-direct.uspto.gov>>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at **866.217.9197** (toll-free).

Any response to this action should be mailed to:

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or faxed to **571-273-8300**.

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Mark A. Fleischer, Ph.D.

/Mark A Fleischer/

Examiner, Art Unit 3623

3 June 2008

/Scott L Jarrett/

Primary Examiner, Art Unit 3623